

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: POUTCH=1

In re Application of:)	Confirmation No.: 4147
)	
Franck POUTCH <i>et al</i>)	Examiner: Frances Tischler
)	
Appln. No.: 10/584,888)	Group Art Unit: 1765
I.A. No.: PCT/FR04/03416)	
)	Washington, D.C.
§371 Date: August 17, 2009)	
I.A. Filed: December 30, 2004)	March 8, 2012

For: EXPANDED POLYSTYRENE SOLUBILISATION MEHTOD

REPLY TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

Replying to the Official Action mailed September 8, 2011, petition for five months' extension of time and petition/extension fee being paid herewith at the large entity rate, Applicants reply as follows.

Acknowledgement by the PTO of the receipt of Applicants' papers filed under §119 is noted.

Restriction based on purported lack of unity of invention under PCT Rules 13.1 and 13.2 has been required among four (4) groups as set forth on page 2 of the Office Action. As Applicants must make an election even if the requirement is traversed, Applicants hereby provisionally and respectfully elect Group I, presently claims 1-17, with traverse and without prejudice.

In re Appln of Franck POUTCH *et al*
Appln. No.: 10/584,888
Reply of Office Action of September 8, 2011
Reply dated March 8, 2012

The PTO holding of lack of unity of invention is based on Rueda FR 2 417 381 which, according to the Office Action, discloses a method of treating EPS by dissolving it in a solvent comprising acetone, followed by another solvent comprising xylene. However, Applicants do not see how the disclosure of Rueda destroys unity of invention.

Elected main claim 1 of the elected Group I calls for contacting EPS with a first solvent to form a gel, and then contacting the gel with a second solvent to obtain a true solution. Claim 18 of Group II also calls for the initial solvent for changing an expanded solid to a gel, and a second solvent to complete solubilisation of the gel. Claim 19, the main claim of Group III, calls for the true solution obtained according to the method of claim 1, and is a true product-by-process claim. All these claims are linked to form the single general inventive concept required by PCT Rule 13.1.

Even claim 27, although reciting more, contains the same requirements, being dependent on (and therefore incorporating all the subject matter of) claim 15. Thus, except for the claim preamble, Group IV would also appear to be so linked with Groups I-III as to form a single general inventive concept.

Moreover, with the possible exception of Group IV if indeed the preamble of claim 27 is to be given full weight, the requirement should also be withdrawn on the basis of the second paragraph of MPEP 803. Applicants respectfully note that MPEP 803 is not limited to restriction practice for applications not PCT national phase cases, i.e. MPEP 803 is applicable to PCT national phase applications.

Accordingly, withdrawal of the requirement and at least examination on the merits of all the claims of Groups I-III are respectfully requested.

Respectfully submitted,

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